

Excerpts  
Planning Commission Minutes  
July 13, 2005

**Application No. UP-673-02, Paradise Tattoo:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance, to authorize the establishment of a 1,247-square foot tattoo parlor within an existing retail center (Palace Plaza Shops) located at 113 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14. The property, located on the east side of Palace Lane approximately 600 feet north of its intersection with Bypass Road (Route 60), is zoned GB General Business and is designated for General Business development in the Comprehensive Plan.

**Ms. Amy Parker**, Senior Planner, summarized the staff memorandum dated July 6, 2005 in which the staff recommended approval. **Ms. Parker** noted the receipt of a letter of opposition received by the staff from a resident of Palace Lane, and stated no comments were received on this application by either James City County or the City of Williamsburg.

**Mr. Abel** recalled the Commission was concerned that a location visible from a school ground was selected by the applicants for their recent request for a tattoo parlor. He asked if the location currently requested for the business was visible from either Providence Classical School or Ascension of our Lord Byzantine Catholic Church. **Ms. Parker** confirmed there would be no visibility of the proposed tattoo parlor from the school or the church.

**Mr. Staton** questioned staff's recommendation of approval of this application for the tattoo parlor actually closer to a private school than the previous location was to a public school. As he recalled, the Commission had expressed concern about visibility of the parlor from a school ground and subsequently recommended denial of the application as recommended by staff. **Ms. Parker** said the previous application was for a location with direct visibility of the parlor and its sign from the school grounds; this location would not provide direct visibility.

**Chair Ptasznik** opened the public hearing.

**Mr. Scott Mitchell**, 3801 Fox Hollow, Williamsburg, spoke in behalf of his application. He explained that the location selected for the current application appeared to be more suitable than the previous location. He had personally checked its visibility from the nearby church and private school and determined the shopping center was not visible from either, nor was it visible from Route 60 Bypass. He explained some tenants of the shopping center remain open until 10 PM and he would like to remain open during hours similar to other tattoo parlors, including Sunday afternoons and evenings.

**Mr. Barba** suggested good visibility would be an important marketing advantage. **Mr. Mitchell** replied that visibility was an advantage but not a necessity for that particular business and there would be word-of-mouth advertising. **Mr. Barba** asked Mr. Mitchell if he had considered a business park for the tattoo parlor, and **Mr. Mitchell** said that was a possibility but a shopping center has the potential to attract customers that a business park does not have even though potential patrons could not see his business until they arrived at the shopping center.

**Mr. Hamilton** thought the current location was preferable to the location of the applicant's previous application.

**Mr. Barba** commended Mr. Mitchell for his efforts in seeking and finding a compromise. He withheld his support, however, because he did not approve of the business in a neighborhood shopping center.

**Mr. Ptasznik** believed the location was an improvement over the previously requested location because it lacks major visibility by children who could be impressed by the idea of having a tattoo and may eventually go to a less-than-professional artist. He believed a business park might also be an option, but could support the application because of the improved location.

**Mr. Hamilton** moved adoption of proposed Resolution PC05-30(R).

Resolution No. PC95-30(R)

On motion of Mr. Hamilton, which carried 3:2 (Staton and Barba dissenting, Conner and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT  
TO AUTHORIZE A TATTOO PARLOR AT 113 PALACE LANE

WHEREAS, Paradise Tattoo has submitted Application No. UP-673-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7) of the York County Zoning Ordinance to authorize a 1,247-square foot tattoo parlor within the existing retail center located at 113 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13<sup>th</sup> day of July, 2005, that Application No. UP-673-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 1,247-square foot tattoo parlor in the existing retail center located at 113 Palace Lane Trail (Route 630) and further identified as Assessor's Parcel No. 9-14 (GPIN No. D15a-2344-2638); subject to the following conditions:

1. This use permit shall authorize the establishment of a 1,247-square foot tattoo parlor located in the existing retail center at 113 Palace Lane (Route 630) and further identified as Assessor's Parcel No. 9-14.

2. The subject facility shall be established in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on May 27, 2005.
3. In order to provide opaque screening from view outside of the parlor, front windows shall be treated with tinting or other window shading devices that are compatible with the architecture of the retail center building, subject to the approval of the Zoning Administrator.
4. Signage for the proposed use shall be limited to building façade signage installed in accordance with all applicable requirements of the Zoning Ordinance. Advertising for the proposed use shall not be permitted on any existing or future proposed freestanding signage for the retail center.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

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